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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Richard Di Donato, Individually and On  
10 Behalf of all Others Similarly Situated,

11 Plaintiff,

12 v.

13 Insys Therapeutics, Inc.; et al.,

14 Defendants.  
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No. CV-16-00302-PHX-NVW

**ORDER**

16 This matter having recently come before this Court,

17 **IT IS ORDERED** that motions pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c) are  
18 discouraged if the defect can be cured by filing an amended pleading. Therefore, the  
19 parties must meet and confer prior to the filing of such motions to determine whether it  
20 can be avoided. Consequently, motions to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) or  
21 for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) must contain a  
22 certification of conferral indicating that the parties have conferred to determine whether  
23 an amendment could cure a deficient pleading, and have been unable to agree that the  
24 pleading is curable by a permissible amendment. In addition, parties shall endeavor not to  
25 oppose motions to amend that are filed prior to the Scheduling Conference or within the  
26 time set forth in the Rule 16 Case Management Order. Motions to dismiss that do not  
27 contain the required certification are subject to be stricken on the Court's motion.  
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